



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/734,259

12/15/2003

Yasuhiko Nagaoka

0879-0435P

1479

2292 7590 04/27/2007
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ABDI, AMARA

ART UNIT

PAPER NUMBER

2609

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
--	-------------------	---------------

3 MONTHS

04/27/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/27/2007..

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/734,259

Applicant(s)

NAGAOKA ET AL.

Examiner

Amara Abdi

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 7 and 10 are objected to because of the following informalities:

(1) Claim 7, line 1, "a photo" should be changed to "the photo";

(2) Claim 10, line 1, "a plurality" should be changed to "the plurality".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1,3-5,10-12,14-16, and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al. (US PG PUB 2004/0264780).

(1) Regarding claims 1 and 12:

Zhang et al. disclose a computer-based method and system for organizing digital photos (paragraph [004], line 1-2; and paragraph [0026], line 5-6), comprising:

extracting objects of interest from a plurality of digital photos (paragraph [0042], line 6-7; and paragraph [0043], line 1-9)

cropping said plurality of digital photos to generate images of isolated objects of interest (paragraph [0083], line 1-2);

applying an object recognition algorithm to determine the similarity of isolated objects with a reference model (paragraph [0020], line 2-10);

displaying a plurality of objects arranged as a function of the determined similarity (paragraph [0036], line 1-9); and

receiving user input to associate said objects with a particular classification (paragraph [0035], line 1-6; and paragraph [0055], line 2-3).

(2) Regarding claims 3 and 14:

The invention, wherein said objects are faces (paragraph [0004], line 4-5)

(3) Regarding claims 4 and 15:

The invention, wherein isolated faces are displayed in a view that includes an area surrounding the face (figures 3 and 4, paragraph [0043], line 3-4)

(4) Regarding claims 5 and 16:

The invention, further comprising annotating image objects based on said classification (paragraph [0004], line 12; paragraph [0042], line 1-3; and paragraph [0076], line 11-13).

(5) Regarding claims 10 and 21:

The invention, wherein said step of displaying a plurality of objects displays the objects in order of similarity to the reference model (paragraph [0050]; and paragraph [0051], line 6-9)

(6) Regarding claims 11 and 22:

The invention, wherein said user input drags an image of an object of interest into a display area associated with said classification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. in view of Hanna et al. (US 6,714,665), and Grigorievich et al. (US 6,751,353).

Zhang et al. disclose all the subject matter as described in claims 1 and 12 above.

However, Zhang et al. does not disclose the method and apparatus, where:

- 1) the steps of applying a recognition algorithm as recited in claims 2 and 13; and
- 2) displaying are repeated as recited in claims 2 and 13.

(a) Regarding item 1) above:

Grigorievich et al. teaches a method and system (column 2, line 63-64) for adaptive recognition of information images and system of implementation thereof, where the steps of applying a recognition algorithm is repeated (column 3, line 22-24)

One skilled in the art would have clearly recognized the repeating of steps of recognition algorithm until deciding of the recognition of input information (column 3, line 42-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time if the invention to combine the system of Grigorievich et al., where the recognition

algorithm is repeated until deciding of the recognition of input information, in the system of Zhang et al., because such feature could optimize the procedure for choosing the most exact and fast algorithms for processing a large flow of information (column 2, line 65-67), as well as increasing a recognition accuracy for the wider class of objects (column 3, line 10-11).

(b) Regarding item 2) above:

Hanna et al. teaches a fully automated Iris recognition system utilizing wide and narrow fields of view, where the step of displaying is repeated (column 21, line 17-20).

One skilled in the art would have clearly recognized the repeating of step of displaying (column 21, line 15-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time if the invention to combine the system of Hanna et al., where repeating the step of displaying, in the system of Zhang et al., because such feature makes the identification of objects or individuals in a passive way that is both fast and accurate (column 1, line 51-53).

6. Claims 6-8, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. in view of Hanna et al. (US 6,714,665).

(1) Regarding claims 6 and 17:

Zhang et al. disclose all the subject matter as described in claims 1 and 12 above.

However, Zhang et al. does not disclose the controlling of a photo presentation is based on classification as recited in claims 6 and 17.

Hanna et al. teaches a fully automated Iris recognition system (column 1, line 56) and method (column 2, line 7) utilizing wide and narrow fields of view, where the controlling of photo presentation is based on classification (column 12, line 6-22).

One skilled in the art would have clearly recognized that the controlling of a photo presentation is based on classification (column 12, line 4-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time if the invention to combine the system of Hanna et al., where the controlling of photo presentation is based on classification, in the system of Zhang et al, because such feature makes the identification of objects or individuals in a passive way that is both fast and accurate (column 1, line 51-53).

(2) Regarding claims 7 and 18:

Zhang et al. disclose all the subject matter as described in claims 1,6,12, and 17 above.

Furthermore, Zhang et al. disclose the labeling of multiple face (paragraph [0022], line 1-6).

However, Zhang et al. does not disclose the controlling of a photo presentation is based on classification as recited in claims 7 and 18.

Hanna et al. teaches a fully automated Iris recognition system (column 1, line 56) and method (column 2, line 7) utilizing wide and narrow fields of view, where the controlling of photo presentation is based on classification (column 12, line 6-22).

One skilled in the art would have clearly recognized that the controlling of a photo presentation is based on classification (column 12, line 4-22). Therefore, it would have

been obvious to one of ordinary skill in the art at the time if the invention to combine the system of Hanna et al., where the controlling of photo presentation is based on classification, in the system of Zhang et al, because such feature makes the identification of objects or individuals in a passive way that is both fast and accurate (column 1, line 51-53).

(3) Regarding claims 8 and 19:

Zhang et al. disclose all the subject matter as described in claims 1 and 12 above.

However, Zhang et al. does not disclose the controlling of the zoom function based on the classification as recited in claims 8 and 19.

Hanna et al. teaches a fully automated Iris recognition system (column 1, line 56) and method (column 2, line 7) utilizing wide and narrow fields of view, where the system is coupled to field of view driver, which controls the zoom function (column 11, line 10-13; and line 29-34) based on classification (column 12, line 6-9).

One skilled in the art would have clearly recognized the controlling of zoom function based on classification (column 11, line 29-33); and column 12, line 4-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time if the invention to combine the system Hanna et al., where the zoom function is controlled based on classification, in the system of Zhang et al., because such feature the narrow field of view imager (NFOV) may capture several images of the eye in close time sequence and average these images. This averaged images has reduced noise

Art Unit: 2609

compared to a single image and provides better feature definition for darkly pigmented irises (column 11, line 38-44).

7. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. in view of Hanna et al. as applies to claims 1 and 6 above, and further in view of Mathe (US 2005/0060636).

Zhang et al. disclose all the subject matter as described in claims 1,6,12, and 17 above.

However, Zhang et al. does not disclose the method, where the photo presentation is slide presentation as recited in claims 9 and 20.

Mathe teaches a digital photo album, system (paragraph [0035], line 17), and method (paragraph [0038], line 17), where the presentation of photo is a slide show (paragraph [0007], line 7-11)

One skilled in the art would have clearly recognized the photo presentation as a slide show (paragraph [0007], line 1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time if the invention to combine the system of Mathe, where the photo presentation is a slide show, in the system of Zhang et al., because such feature solves the problem of printing pictures by reducing cost, and it is much faster and easier to learn to use than a computer (paragraph [0007], line 11-13).

8. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. in view Neff et al. (US 6,751,780).

Zhang et al. disclose all the subject matter as described in claims 1 and 12 above.

However, Zhang et al. does not disclose the method, where the user inputs drags an image of an object of interest into a display area associated with the classification as recited in claims 11 and 22.

Neff et al. teaches a user interface for initiating the export of an optimized scanned document using drag and drop method (see the Abstract) and system (column 3, line 48), where the user inputs drags an image of an object of interest into a display area (column 5, line 62-67) associated with the classification (column 5, line 48-51).

One skilled in the art would have clearly recognized the dragging of an image of an object of interest into a display area (column 5, line 56-67) associated with the classification (column 5, line 45-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time if the invention to combine the system of Neff et al., where the object of interest of an image is dragged, in the system of Zhang et al, because such feature updates the scanner software control parameters with information about the selected region to optimize the final scan of the selected region (column 1, line 65-66), as well as offering different data formats for the optimized final scan based upon the selected region type (column 2, line 1-3).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Savakis et al. (US 6,738,494) teaches a method for varying an image-processing path based on an image emphasis and appeal.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amara Abdi whose telephone number is (571) 270-1670. The examiner can normally be reached on Monday through Friday 7:30 Am to 5:00 PM E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on (571) 272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amara Abdi
04/16/2007



SHUWANG LIU
SUPERVISORY PATENT EXAMINER